

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 23-CR-20454-JB

UNITED STATES OF AMERICA,

Miami, Florida

vs.

February 18, 2025

2:48 p.m. - 3:12 p.m.

CARL ALAN ZAGLIN,
ALDO NESTOR MARCHENA, and
FRANCISCO ROBERTO COSENZA CENTENO,

Volume 1 of 1

Defendants.

Pages 1 to 19

TRANSCRIPT OF ZOOM STATUS CONFERENCE
BEFORE THE HONORABLE JACQUELINE BECERRA
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE GOVERNMENT:

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STENOGRAPHICALLY REPORTED BY:

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Official Court Reporter to:
The Honorable Jacqueline Becerra
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Southern District of Florida
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1 (Call to the Order of the Court at 2:48 p.m.)

02:48PM 2 THE COURTROOM DEPUTY: Case No. 23-CR-20454-Becerra,
02:48PM 3 United States of America vs. Carl Alan Zaglin, Aldo Nestor
02:48PM 4 Marchena, and Francisco Roberto Cosenza Centeno.

02:48PM 5 Counsel, please state your appearances for the record
02:49PM 6 starting with the government.

02:49PM 7 MR. RUBIN: Good afternoon, Your Honor. Eli Rubin, Peter
02:49PM 8 Cooch, and Shalin Nohria on behalf of the United States of
02:49PM 9 America.

02:49PM 10 THE COURTROOM DEPUTY: For Mr. Zaglin.

02:49PM 11 MR. GILLEN: Good afternoon, Your Honor. Craig Gillen
02:49PM 12 and Anthony Lake, counsel for Mr. Centeno here. And Mr. Zaglin is
02:49PM 13 also present in the conference room.

02:49PM 14 THE COURTROOM DEPUTY: Mr. Marchena.

02:49PM 15 MR. CASTANEDA: Good afternoon, Judge. Attorney Jose
02:49PM 16 Castaneda for Mr. Aldo Marchena.

02:49PM 17 MS. WILSON: Good afternoon, Your Honor.

02:49PM 18 THE COURTROOM DEPUTY: For Mr. Centeno.

02:49PM 19 MS. WILSON: Sorry, Donna. Jenny Wilson on behalf of Mr.
02:49PM 20 Cosenza.

02:49PM 21 THE COURT: Good afternoon. I called you in here for a
02:50PM 22 status conference or just a brief conference because we're set for
02:50PM 23 trial in April, and I saw that the assessment is that it's a
02:50PM 24 three-week trial. I had plans to be out of the district the week
02:50PM 25 of the 21st. I suspect some jurors might have the same issue,

1 since that's one of the spring break weeks for Miami-Dade County.

2 If I have to cancel it, I'll cancel; but before canceling
3 my daughter's spring break, I thought I would ask you all: Are we
4 really going in April? And is it really three weeks?

5 If we're really going in April, I might be inclined to
6 start it a little bit earlier, if we can. If not and we really
7 have to go in April, I don't expect the defendants to waive their
8 speedys to accommodate me. I just wanted to kind of get a sense
9 from the government and from each defendant: Are we really going
10 to trial? And how long do we think it's going to be?

11 Let me hear from you, Mr. Rubin.

12 MR. RUBIN: Thank you, Your Honor. We are currently
13 proceeding on two tracks; one preparing for April 7th trial; and,
14 two, we are complying with the President's recent executive order
15 concerning FCPA investigations and enforcement actions, which
16 requires the Attorney General to review all current enforcement
17 actions, and we are actively facilitating and ensuring that
18 review.

19 We are not moving for a continuance. We understand
20 defense counsel will. We would not oppose a brief continuance,
21 but we would oppose a longer continuance.

22 THE COURT: All right. Let me hear from you, Mr. Gillen.
23 What background is that?

24 MR. GILLEN: Mr. Gillen for Mr. Zaglin.

25 And I apologize when I announced that I am here with

02:52PM 1 Mr. Lake, I forgot to mention that Mr. Perez is on the call as
02:52PM 2 well. So Robert Perez also for Mr. Zaglin. This is our situation
02:52PM 3 --

02:52PM 4 THE COURT: I'm just curious as to what background you're
02:52PM 5 using on your Zoom. What is that.

02:52PM 6 MR. GILLEN: I'm using the background that Mr. Lake put
02:52PM 7 on his computer. The first time I ever saw it, Your Honor, was
02:52PM 8 when we turned it on and I saw myself with that background.

02:52PM 9 THE COURT: It's interesting.

02:52PM 10 MR. LAKE: It's Trinity College Library in Dublin,
02:52PM 11 Ireland.

02:52PM 12 MR. GILLEN: It's much more attractive than the
02:52PM 13 background in our conference room in Atlanta.

02:52PM 14 THE COURT: Yes, I suspect that it's definitely not
02:52PM 15 Atlanta, but that's all right.

02:52PM 16 Let me hear from you, sir.

02:52PM 17 MR. GILLEN: This is our position, Your Honor, and we did
02:52PM 18 speak with the government's counsel yesterday about this. We,
02:52PM 19 having read the President's executive order dated February
02:53PM 20 the 10th, 2025, we believe that we are in the strike zone of the
02:53PM 21 area in which the President has directed that the Attorney General
02:53PM 22 review these matters. And we believe that the executive order,
02:53PM 23 the President is saying that the attorney general should conduct
02:53PM 24 that review within 180 days.

02:53PM 25 And what we had discussed with government's counsel

02:53PM 1 yesterday, and they are not, you know, we agree to disagree,
02:53PM 2 everything is in flux as it relates to this, but our position is
02:53PM 3 that we are within the strike zone of this executive order. The
02:53PM 4 case has not begun trial yet. This is exactly what the President
02:53PM 5 wishes for the Attorney General to review, and we welcome that
02:53PM 6 review.

02:53PM 7 But we have and what our position will be with the
02:53PM 8 Department of Justice at whatever level we can have our voice
02:54PM 9 heard, will be that we believe that there should be a motion to
02:54PM 10 dismiss without prejudice allowing the Attorney General the
02:54PM 11 180 days to review the matter. That way -- excuse me -- that way
02:54PM 12 we don't have a problem with the speedy trial issues, we don't
02:54PM 13 have a problem with the Court's vacation issue for spring break,
02:54PM 14 so it's all in flux.

02:54PM 15 I will say as relates to a brief continuance regarding
02:54PM 16 the trial, we don't have a problem with that. But we do think
02:54PM 17 that right now that we should know something, I would imagine,
02:54PM 18 within DOJ within the next -- hopefully within the next week or
02:54PM 19 two about how DOJ perceives pending FCPA cases that are not in the
02:55PM 20 middle of a trial like our case, and so that's where we stand.

02:55PM 21 We think hopefully that once DOJ looks at this, there
02:55PM 22 will be a pause. We think it should not be a motion to stay; it
02:55PM 23 should be a motion to dismiss without prejudice, allowing the
02:55PM 24 Attorney General to do the review the President requests. So
02:55PM 25 that's where we stand on issue one, the executive order.

02:55PM 1 But issue two, we have no problem whatsoever with a brief
02:55PM 2 continuance of the trial date to facilitate and accommodate the
02:55PM 3 Court and potential jurors for the spring break issues.

02:55PM 4 THE COURT: All right. Let me hear from -- is it you,
02:55PM 5 Mr. Castaneda who is going to speak for your client? You're on
02:55PM 6 mute. You hit the button twice.

02:56PM 7 MR. CASTANEDA: Sorry. Technical difficulties.

02:56PM 8 THE COURT: No problem.

02:56PM 9 MR. CASTANEDA: I did speak with cocounsel and Mr. Gillen
02:56PM 10 and attorney Wilson. I never had a situation like this come up
02:56PM 11 during a litigation of a case, Your Honor.

02:56PM 12 So I spoke to my client, he is in custody, but he is
02:56PM 13 serving a sentence on something else, so we did previously waive
02:56PM 14 speedy trial, but I guess we'll go along with what counsel is
02:56PM 15 saying. We don't mind resetting the trial and seeing what the
02:56PM 16 government is going to do with this case.

02:56PM 17 I know Mr. Rubin and Mr. Cooch have been giving us
02:56PM 18 information; I just don't know what the status will be in this
02:56PM 19 case.

02:56PM 20 THE COURT: Ms. Wilson.

02:56PM 21 MS. WILSON: Yes, Your Honor. I agree with much of, if
02:56PM 22 not all of, what has been said today. The fact that this order
02:56PM 23 came out last week, it puts us in a bit of a strange situation
02:56PM 24 preparing for trial or, alternatively, moving forward on any kind
02:57PM 25 of resolution in light of the President's fairly clear orders.

02:57PM 1 So whether it's a stay or a continuance or the option
02:57PM 2 that Mr. Gillen proposed, we will defer to the Court. But to the
02:57PM 3 extent that we need to waive speedy in a limited fashion to get
02:57PM 4 this resolved, we certainly would agree to do so.

02:57PM 5 THE COURT: What I am not hearing, and let me hear now
02:57PM 6 from you, Mr. Rubin, the executive order, and I am going by memory
02:57PM 7 now, was, and I think somebody mentioned, was 180 days.

02:57PM 8 Does the government have any sense of when that review in
02:57PM 9 this case will be done because from my vantage point, I would
02:57PM 10 suspect that the defense lawyers are taking one position now; if
02:57PM 11 the Attorney General thinks this case needs to go forward, then
02:57PM 12 they need to start getting ready for trial. It probably doesn't
02:57PM 13 make a ton of sense to get ready for trial if they're trying to
02:57PM 14 negotiate or if they're thinking that there's going to be a
02:57PM 15 dismissal.

02:57PM 16 So I want to have some sense of what the government's
02:58PM 17 timeline is for this.

02:58PM 18 MR. RUBIN: Yes, Your Honor.

02:58PM 19 The 180-day time period refers to the Attorney General's
02:58PM 20 setting of new guidelines; it does not speak to the review of
02:58PM 21 current enforcement actions.

02:58PM 22 We understand that the Attorney General has prioritized
02:58PM 23 her review of indicted cases, and we are doing everything we can
02:58PM 24 to expedite that review. We do not yet know when that review will
02:58PM 25 be complete.

02:58PM 1 THE COURT: All right. So then in light of the fact that
02:58PM 2 the government is representing that the Attorney General will be
02:58PM 3 reviewing this matter, the Justice Department in Washington will
02:58PM 4 be reviewing this matter, let me hear from each defendant as to
02:58PM 5 whether or not they seek a continuance of the current trial date
02:58PM 6 for that reason and for how long. I'm not inclined to stay a
02:58PM 7 criminal case with defendants that are in custody; I am not
02:59PM 8 inclined to do that.

02:59PM 9 So tell me if you seek a continuance for that reason
02:59PM 10 because you are trying to figure out what's going to happen. Let
02:59PM 11 me hear how much, because otherwise I have to have it on a trial
02:59PM 12 calendar, and I'm not necessarily inclined to even move it from
02:59PM 13 the calendar it's on now. I wanted to hear from you whether it
02:59PM 14 was really going to go because I didn't want to hear two weeks
02:59PM 15 before trial: Oh, now we need another two weeks.

02:59PM 16 If folks don't object to me just setting the trial the
02:59PM 17 last week of April, I'll do that. If you need more time because
02:59PM 18 of what Mr. Rubin has represented, then that's fine. But I need a
02:59PM 19 date. If you're going to move to dismiss the indictment, that's a
02:59PM 20 whole different thing; file your motion.

02:59PM 21 But I need to keep a trial date. So let me hear from
02:59PM 22 you, Mr. Gillen. What say you on the trial date for this matter?

02:59PM 23 MR. GILLEN: Your Honor, right now what I would ask the
02:59PM 24 Court to do is now to extend the trial date to the end of April.
03:00PM 25 That's fine. But also to set within two or three weeks another

03:00PM 1 status conference to determine whether or not progress is being
03:00PM 2 made at DOJ.

03:00PM 3 My understanding is that they really haven't sat down and
03:00PM 4 pounded out guidelines or anything to determine whether we think,
03:00PM 5 for example, that meet within the heartland of what the President
03:00PM 6 wants, to essentially stop investigations and enforcements.

03:00PM 7 This isn't really -- when you look at what the executive
03:00PM 8 order says, not only does it tell the Attorney General and mandate
03:00PM 9 the Attorney General to inspect or examine existing investigations
03:00PM 10 and enforcements, but the spirit of what President Trump was
03:01PM 11 saying is also reflected in Section D of the executive order where
03:01PM 12 he's actually saying there that: The Attorney General shall
03:01PM 13 determine whether additional actions, including remedial measures,
03:01PM 14 with respect to inappropriate past FCPA investigations and
03:01PM 15 enforcement actions are warranted.

03:01PM 16 What does that mean? The last thing that anybody wants,
03:01PM 17 I think, would be for a trial of this case to take place that
03:01PM 18 would fall into what the Attorney General would find to be the
03:01PM 19 heartland of cases that shouldn't go forward. Nobody wants that.
03:01PM 20 I don't think the prosecutors want that. We certainly don't want
03:01PM 21 that. We don't know yet.

03:01PM 22 But I think, Your Honor, that the Attorney General's
03:01PM 23 office has got to be getting its act together on this, and one
03:01PM 24 would imagine within the next two or three weeks. So I suggest
03:02PM 25 that we set now a trial date for the end of April. The only --

03:02PM 1 and I have no problem with that.

03:02PM 2 And Mr. Zaglin is here. And do you agree with me, Mr.
03:02PM 3 Zaglin?

03:02PM 4 DEFENDANT ZAGLIN: Yes, sir.

03:02PM 5 MR. GILLEN: He agrees with me that he doesn't have a
03:02PM 6 problem with that either. And then schedule a conference call in
03:02PM 7 two or three weeks, or at the latest to have the government notify
03:02PM 8 the Court and counsel when they are getting instruction from the
03:02PM 9 Attorney General's office about how they're going to proceed with
03:02PM 10 indicted cases that fall within the heartland.

03:02PM 11 So I would say now move it to the end of April and set
03:02PM 12 another status conference for two or three weeks. In the interim
03:02PM 13 if Peter or Eli hear additional information about how the Attorney
03:03PM 14 General's office and its decision will impact us, let us know, and
03:03PM 15 then we can have another status conference to revisit it.

03:03PM 16 THE COURT: All right. Mr. Castaneda.

03:03PM 17 MR. CASTANEDA: Sorry, Judge. Yeah, I concur with Mr.
03:03PM 18 Gillen. I believe that's fine. I know my client is in custody,
03:03PM 19 Your Honor. I just wanted to make it clear that he is serving
03:03PM 20 another sentence, so it's really not an issue as far as that, so.

03:03PM 21 THE COURT: But I think it is an issue for Ms. Wilson's
03:03PM 22 client because I believe Ms. Wilson's client was extradited. Is
03:03PM 23 that correct, Ms. Wilson?

03:03PM 24 MS. WILSON: He is, but he is a currently out on bond.

03:03PM 25 THE COURT: So what is your position with respect -- I'd

1 just move the trial to April 28th is all I would do.

2 MS. WILSON: Your Honor, we don't object to an April 28th
3 date at this point, just noting that a lot of things could change
4 in the next few weeks. And as this starts evolving, I don't --
5 perhaps we will be back before the Court, but it's really too
6 early I think to say which way.

7 We certainly agree with everything that's been said, and
8 we think that this does fall squarely within the President's order
9 and we do believe it should be considered for dismissal; but at
10 this point late April is still two months away, so we don't object
11 right now to that remaining the trial date.

12 THE COURT: All right. Given the complexities of the
13 case before the issue of the executive order, I am going to leave
14 the calendar call as it is. So the calendar call will remain the
15 same.

16 The first day of the trial is April 28th, and the
17 government is ordered to file every two weeks, starting two weeks
18 from today, a status with respect to its intentions to pursue the
19 case. Mr. Rubin, if you have no information, you will have no
20 information; but you'll still have to file something every two
21 weeks.

22 I don't want to be in a position where the Attorney
23 General decides in late March that this case is not within the
24 heartland and that the government is going to continue to pursue
25 the case, and then all the defense lawyers tell me: Well, we

03:04PM 1 haven't been getting ready for trial. We need more time. Right?
03:05PM 2 If you need more time to get ready for trial, I will give it to
03:05PM 3 you, obviously, but I'm trying to avoid that happening. I'm
03:05PM 4 trying to keep a trial date that is as orderly as possible.

03:05PM 5 And so I will require the government every two weeks in
03:05PM 6 writing to submit the status with respect to its intentions to
03:05PM 7 continue to pursue the case, Mr. Rubin. And I won't have status
03:05PM 8 conferences. We will make the government do that in writing. I
03:05PM 9 think that's more efficient, and I think that -- I obviously don't
03:05PM 10 know what the Attorney General is doing or what pace they're going
03:05PM 11 to be doing it or who is reviewing it. I have no way of knowing
03:05PM 12 that, nor is it within my purview to know it at this time. Mr.
03:05PM 13 Rubin can keep us advised.

03:05PM 14 That way if I am in a position where I have to clear that
03:05PM 15 trial because there is not going to be a trial, there's other
03:05PM 16 people waiting for trials; or if you're going to need more time,
03:05PM 17 then I know I have to move it because it's a three-week trial
03:05PM 18 that's going to take up a good bit of time on my calendar. I
03:06PM 19 start a case in September that I'm going to be in trial in for
03:06PM 20 about three months, so I'm trying to juggle that to make sure that
03:06PM 21 I can try what I need to try before I disappear into that case.

03:06PM 22 Anything else on behalf of the United States then?

03:06PM 23 MR. RUBIN: Yes, Your Honor. Thank you. Understood on
03:06PM 24 the status updates.

03:06PM 25 One point is the defense didn't formally move to

03:06PM 1 continue, so I am not sure that the speedy trial waiver was
03:06PM 2 triggered. I don't know if you want to make a finding on the
03:06PM 3 record or ask them to formally waive their rights under the speedy
03:06PM 4 trial.

03:06PM 5 And then second, is it worth visiting at this point in
03:06PM 6 time a scheduling order? We had previously submitted one with the
03:06PM 7 agreement of Mr. Zaglin. I don't want to belabor it if it's too
03:06PM 8 complicated now, so I just raise that for your consideration.

03:06PM 9 THE COURT: No. And that scheduling order is what
03:07PM 10 prompted me to have this hearing. So with respect to the speedy,
03:07PM 11 I am interpreting -- I obviously called the issue of moving the
03:07PM 12 trial for the Court's docket. But what I heard as we went through
03:07PM 13 each defendant is that each defendant was seeking additional time
03:07PM 14 to sort out these issues with the Department of Justice.

03:07PM 15 I think they might have wanted more time than I've given
03:07PM 16 them, but I do find that the Speedy Act would be tolled for the
03:07PM 17 time period at least until the 28th, and I do so based on the
03:07PM 18 representations made by counsel and in the interests of justice.

03:07PM 19 It is my practice to ask the defense lawyers to submit a
03:07PM 20 written waiver up until the 28th. I think one or two of you might
03:07PM 21 have orally stated that there was a waiver. I know Mr. Gillen
03:07PM 22 orally said his client agreed. Mr. Castaneda said he didn't think
03:07PM 23 his client would disagree because he was already in custody. I
03:07PM 24 think Ms. Wilson said that she didn't see an issue with the
03:07PM 25 speedy, but I will ask each lawyer to submit the speedy waiver up

1 until the 28th.

2 THE COURTROOM DEPUTY: Signed by the defendant, Judge?

3 THE COURT: Signed by the defendant, correct. That's
4 what my order requires; that they each be signed by the defendant.
5 I will give you a week to get that.

6 Mr. Castaneda, if you need more time because your client
7 is in custody, I will give you an additional week to do so.

8 MR. CASTANEDA: Thank you. I had filed a written waiver
9 previously. Do you want me to file another one, Your Honor?

10 THE COURT: I think the written waiver that you had
11 previously didn't have a date is the problem.

12 MR. CASTANEDA: Okay.

13 THE COURT: So I like for them to have a date so that I
14 think the record is most clear that way, so do it with respect to
15 a date.

16 With respect to the scheduling order, I am hesitant to
17 enter it at this time. Mr. Rubin, let's see where you are two
18 weeks from now. If two weeks from now it seems like it is a case
19 that's going forward, then you will resubmit a scheduling order
20 because I've moved the trial back two weeks already, so some of
21 those dates might change. I will work with you on the dates.

22 I am going to work with you on the scheduling order. I
23 think it is a good practice to have a scheduling order on a case
24 of this complexity, so submit it; but I am not going to enter the
25 one that you just proposed now because, A, we have moved the case

1 a couple of weeks; and, B, it looks like things are sufficiently
2 in flux that those dates are going to be probably reconsidered.

3 MR. RUBIN: Understood. Thank you, Your Honor.

4 THE COURT: All right. Mr. Gillen, anything else on
5 behalf of your client?

6 MR. GILLEN: No, Your Honor. I was having difficulty
7 hearing what the Court stated.

8 Our new trial date would be what date?

9 THE COURT: The 28th of April.

10 MR. GILLEN: April the 28th, yes, Your Honor. Nothing
11 other than if we hear back, I would state that the next major date
12 on the scheduling order is March the 4th preliminary exhibit and
13 witness list.

14 THE COURT: So I am not entering that scheduling order.
15 We're going to wait to see what happens in the next two weeks in
16 the first instance. So your calendar call is still -- I think it
17 was April 2nd. Donna?

18 THE COURTROOM DEPUTY: April 1st.

19 THE COURT: April 1st. Trial April 28th the standard
20 order that you now have has some dates you work backward from. I
21 know the parties want a different scheduling order; I am not going
22 to enter that one now. We will see where we are two weeks from
23 now and whether or not you come up with something different given
24 the change. All right?

25 MR. GILLEN: I would just simply say this, and I

1 appreciate the Court's flexibility. And we do appreciate the
2 cooperation that we have had with the prosecutor regarding the
3 scheduling order.

4 The voluminous nature of the exhibits in this case is
5 such that we found that both in our respective interests to set
6 out these fairly early discovery for exhibit lists and witness
7 lists, and so we are going to be moving forward to try to get ours
8 in pretty good shape. I know that the prosecutors have been
9 working with us, and we agree that we want to have this in a
10 situation for the Court and for the jury where the trial will go
11 as smoothly as possible.

12 So I just would indicate that when we hear back from the
13 government that we would like something that will give us some
14 assurances about when we're going to be getting our exhibit lists,
15 witness lists, and our responses and the motions in limine, which
16 could be somewhat complex in this case.

17 THE COURT: Right. I think that's exactly what I said.
18 So I am not going to enter the one that's proposed now because
19 both the case appears to be in flux and the trial has moved three
20 weeks. So in the next status report, which Mr. Rubin will submit
21 two weeks from now, depending on where you are two weeks from now,
22 you may request that I enter a scheduling order; and if it's a
23 joint one, I will enter it. I suspect that the dates will move a
24 little bit given that the trial right now has already moved three
25 weeks. All right?

MR. GILLEN: Thank you, Your Honor.

THE COURT: Mr. Castaneda?

MR. CASTANEDA: Judge, would the calendar be on Zoom or would that be in person?

THE COURT: No, in person. I only did this by Zoom now because I know Mr. Gillen is in Atlanta and I thought it was a fairly routine status and I didn't want to have him fly down just for that, but you all will have to come for the calendar call.

MR. CASTANEDA: Thank you, Judge.

THE COURT: Ms. Wilson?

MR. GILLEN: Thank you, Your Honor, for accommodating us here in Atlanta. We appreciate that.

THE COURT: Sure. Ms. Wilson?

MS. WILSON: Nothing on behalf of Mr. Cosenza. Thank you, Your Honor.

THE COURT: Thank you very much. We're in recess.

MR. RUBIN: Thank you, Your Honor.

MR. CASTANEDA: Take care, everyone.

(Recess at 3:12 p.m.)

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C E R T I F I C A T E

I hereby certify that the foregoing is an accurate transcription of the proceedings in the above-entitled matter.

DATE: 2/27/25

/s/Vernita Allen-Williams
VERNITA ALLEN-WILLIAMS, RMR, CRR
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